

Appl. No. : 10/690,833  
Filed : October 22, 2003

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the April 26, 2005 Office Action. Claims 1, 19, and 20 are amended, and Claims 2-18 remain as originally filed. Thus, Claims 1-20 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

#### **Response to Provisional Rejection of Claims 1, 19, and 20 for Obviousness-Type Double Patenting**

In the April 26, 2005 Office Action, the Examiner provisionally rejects Claims 1, 19, and 20 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 19, and 20 of copending U.S. Patent Application No. 10/803,243.

As disclosed herein, Applicants have amended Claims 1, 19, and 20, and have cancelled Claim 19 without prejudice. Applicants submit that amended Claims 1, 19, and 20 are patentably distinct from the copending claims identified by the Examiner. Applicants respectfully request the Examiner to withdraw the provisional rejection of Claims 1, 19, and 20 and pass these claims to allowance.

#### **Response to Rejection of Claims 1-20 Under 35 U.S.C. § 103(a)**

In the April 26, 2005 Office Action, the Examiner rejects Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,977,515 issued to Uraki et al. ("Uraki") in view of U.S. Patent No. 6,507,000 issued to Otsubo et al. ("Otsubo").

##### **Claim 1**

Applicants have amended Claim 1 to recite (emphasis added):

1. A laser head adapted to irradiate an interaction region of an inhabitable structure with laser light to remove material from the structure, the laser head comprising:

a housing;

a connector coupled to the housing and optically coupled to a laser generator, the connector adapted to transmit laser light from the laser generator;

at least one optical element contained in the housing and optically coupled to the connector, the optical element adapted to receive laser light from the connector; and

a containment plenum coupled to the housing, the containment plenum optically coupled to the optical element to receive the laser light from the optical element, the containment plenum adapted to confine the material and remove the material from the interaction region resulting

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from irradiating the structure with the laser light, **wherein the containment plenum is either air-cooled or water-cooled.**

Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by either Uraki or Otsubo. Therefore, amended Claim 1 is patentably distinguished over Uraki in view of Otsubo. Applicants respectfully request that the Examiner withdraw the rejection of Claim 1 and pass Claim 1 to allowance.

#### Claims 2-18

Each of Claims 2, 12, 14, 15, 17, and 18 depends from amended Claim 1, each of Claims 3-5 depends from Claim 2, each of Claims 6 and 7 depends from Claim 5, each of Claims 8-11 depends from Claim 7, Claim 13 depends from Claim 12, and Claim 16 depends from Claim 15. Therefore, each of Claims 2-18 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants respectfully request the Examiner to withdraw the rejection of Claims 2-18 and to pass these claims to allowance.

#### Claim 19

Applicants have amended Claim 19 to recite (emphasis added):

19. A laser head adapted to irradiate an interaction region of an inhabitable structure with laser light to remove material from the structure, the laser head comprising:

- means for connecting the laser head to a laser generator;
- means for receiving the laser light from the laser generator;
- means for guiding the laser light to the interaction region; and
- means for confining the material and removing the material from the interaction region, **the confining means being either air-cooled or water-cooled.**

For reasons similar to those discussed above with respect to amended Claim 1, Applicants submit that amended Claim 19 is patentably distinguished over Uraki in view of Otsubo. Applicants respectfully request that the Examiner withdraw the rejection of Claim 19 and pass Claim 19 to allowance.

#### Claim 20

Applicants have amended Claim 20 to depend from amended Claim 1. For at least the reasons discussed above with respect to amended Claim 1, Applicants submit that amended Claim 20 is patentably distinguished over Uraki in view of Otsubo. Applicants respectfully request that the Examiner withdraw the rejection of Claim 20 and pass Claim 20 to allowance.

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**Summary**

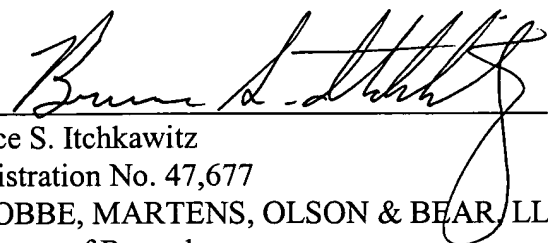
For the foregoing reasons, Applicants submit that Claims 1-20 are in condition for allowance, and Applicants respectfully request such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: 10/18/05

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